IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS MARSHALL DIVISION

PACKET INTELLIGENCE LLC,	§	
Plaintiff,	9 9 9	
V.	8 8 8	CIVIL ACTION NO. 2:16-CV-00230-JRG
NETSCOUT SYSTEMS, INC., TEKTRONIX COMMUNICATIONS,	§	
TEKTRONIX TEXAS, LLC,	§ §	
	§	
Defendants.	§	

ORDER ADOPTING PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

This case was tried to a jury between October 10, 2017, and October 13, 2017. (Dkt. Nos. 239–42). The jury returned a verdict on October 13, 2017, finding willful infringement of the asserted claims, finding none of the asserted claims invalid, and awarding damages in the amount of \$5.75 million. (Dkt. No. 237). Following submission of the evidence to the jury, on October 13, 2017, and while the jury deliberated, a bench trial was conducted as to equitable issues. (Dkt. No. 242). The Court entered a Post-Trial Docket Control Order setting the conduct of post-trial proceedings. (Dkt. No. 243).

The Parties¹ submitted Proposed Findings of Fact and Conclusions of Law on January, 29, 2018. (Dkt. No. 295; Dkt. No. 296).

Having reviewed the Parties' submissions and the whole of the record evidence, the Court concludes that Defendant has failed to show that the Asserted Claims are barred under the doctrines

¹ For clarity, Plaintiff Packet Intelligence LLC will be referred to as "Plaintiff," "Packet Intelligence," or "PI." Similarly, Defendants NetScout Systems, Inc., Tektronix Communications, and Tektronix Texas, LLC will be referred to as "Defendants," "NetScout," or the "NetScout Defendants."

of either unclean hands or inequitable conduct. The Court hereby **ADOPTS** the Plaintiff's Proposed Findings of Fact and Conclusions of Law (Dkt. No. 295) in their entirety as its own, and accordingly, for the reasons set forth therein, hereby **DENIES** and **DISMISSES** NetScout's defenses of inequitable conduct and unclean hands.

So ORDERED and SIGNED this 7th day of September, 2018.

RODNEY GILSTRAP

UNITED STATES DISTRICT JUDGE